

## DETAILED ACTION

### *Response to Amendment*

The reply filed on August 8<sup>th</sup>, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The newly presented claims are of a different embodiment than the previous (currently canceled) claims. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### *Election/Restrictions*

The amendment filed on August 8<sup>th</sup>, 2008 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are a different embodiment. Applicant argues that the instant claims are of the same embodiment of the previous claims and that applicant has broadened some of the terminology used in the canceled claims, in addition to removing unnecessary elements. Examiner respectfully disagrees. The instant claims recite providing authorization for the transaction based on the information received from the merchant system while the previous independent claims recite providing a loyalty account number. The embodiments of said claims are clearly distinct in scope because

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one of them is used to receive authorization for a transaction while the other is used to receive a loyalty account number and makes no mention of authorizing a transaction.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariela D. Reyes whose telephone number is (571) 270-1006. The examiner can normally be reached on M - F 7:30- 5:00 East time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John R. Cottingham/  
Supervisory Patent Examiner, Art  
Unit 2167

/Mariela D Reyes/  
Examiner, Art Unit 2167  
October 27, 2008